

## **Chesapeake Bay Exception CBE-10-041: Ironbound Road Regional BMP**

Staff report for the November 12, 2009, Chesapeake Bay Board Public Hearing

This staff report is prepared by the James City County Environmental Division to provide information to the Chesapeake Bay Board to assist them in making a recommendation on this assessment. It may be useful to members of the general public interested in this assessment.

### **Existing Site Data & Information**

Applicant:	Mr. Wayland Bass, Stormwater Division, James City County Mr. Sanford Wanner, County Administrator, James City County
Land Owner(s):	Chambrel
Location:	3800 Treyburn Drive, Williamsburg, Virginia, 23188
Parcel Identification:	3910900131
Parcel Size/Zoning:	54 acres, PUD Residential
Percent of Parcel in RPA:	20%
Watershed:	College Creek
Other:	Part of the Ironbound Square Redevelopment Project

### **Proposed Impacts**

RPA Encroachments:	0.50 acres
Impervious Cover Amount Proposed within RPA:	0 sf impervious cover
Disturbed Area Amount Proposed within RPA:	0.50 acres

### **Brief Summary and Description of Activities**

Mr. Wayland Bass on behalf of Mr. Sanford Wanner, County Administrator of James City County has applied for an exception to the Bay Act Program and Chesapeake Bay Preservation Ordinance (Ordinance) for an encroachment into the Resource Protection Area (RPA) buffer for the installation of a regional stormwater BMP for the Ironbound Square Redevelopment Project. This application was previously before the Board as Chesapeake Bay Exception CBE-07-03 which expired and is now identified as CBE 10-041. RPA is situated on the parcel and is present due to the 2004 Ordinance revisions which required RPA determinations based on a reliable site-specific evaluation to be conducted to determine whether water bodies on or adjacent to development sites have perennial flow. Total impervious cover and disturbance within the RPA is listed above in the "Proposed Impacts" section. The redevelopment project involves the construction of 56 single family dwelling units and 67 multifamily housing units as approved by the Board of Supervisors under rezoning Z-002-05 and Z-009-06. The project is generally bounded by Ironbound Road to the west, Magazine Road to the north and east, Chambrel to the east, and the City of Williamsburg to the south.

### **Staff Evaluation**

Staff has evaluated the application and exception request for all work as described above. The proposal is a regional stormwater BMP that will receive stormwater from the Ironbound Road widening project, the Ironbound Square Redevelopment Project, Bay Aging, and a part of New Town and will provide treatment for previously untreated stormwater. Based on Bay Act requirements, the Ordinance and associated guidance materials as published by the Virginia Department of Conservation and Recreation (VA-DCR), stormwater management facilities may be processed administratively if certain conditions are met. Those conditions are listed in Section 23-7(a) (4) (a) through (f) and are listed below for clarification purposes:

- a. The location within the RPA is the optimum location, meaning that it is the best place to locate the facility from an engineering and functionality consideration regardless of the presence of the RPA;*
- b. The size of the facility is the minimum necessary to provide necessary flood control, stream channel protection, stormwater treatment, or all three;*
- c. The facility must be consistent with a stormwater management program that has been approved by CBLAB as a Phase 1 modification to the county's program;*
- d. All applicable permits for construction in state and federal waters must be obtained from the appropriate agencies;*
- e. Approval must be received from the county prior to construction;*
- f. Routine maintenance must be performed on the facility to assure that it continues to function as designed.*

This application fails the condition set forth in Section 23-7(a) (4) (c) because James City County does not have a Phase 1 modification to the stormwater management program in the College Creek watershed. Therefore, this proposal must go through the formal exception process through the County's Chesapeake Bay Board.

### **Water Quality Impact Assessment (WQIA)**

In accordance with Bay Act requirements and the Ordinance all land disturbance, development or redevelopment within RPA requires a water quality impact assessment (WQIA). Water quality impact assessments shall identify impacts of proposed development on water quality and land in RPAs and recommended measures for mitigation of these impacts. Localities must review a WQIA prior to action on the exception request. James City County has established guidelines for submission of minor/major WQIAs.

A WQIA was provided with previous Chesapeake Bay Exception CBE-07-003. This CBE was approved by the Board on February 28, 2007 and a one year extension on February 12, 2008. Based on Environmental Division staff review, the WQIA proposes to mitigate for RPA impacts by:

- Installing erosion control blanket, (EC-2) on the downstream face of the BMP.
- Stabilization of the embankment faces with a conservation seed mix.
- Stabilization of a degraded stream channel within the Powhatan Creek watershed on the Warhill site. The ratio of restoration to impacts will be approximately 4:1, with a minimum of 280 linear feet of channel stabilization on the Warhill site.

- Preservation/enhancement of open space on the Warhill site. The ratio of preservation to impacts will be approximately 1.5 acres.
- A stilling basin at the outfall of the BMP to reduce turbulence and velocity.
- Treatment of approximately 20 acres of onsite and offsite stormwater runoff, the majority of which is currently uncontrolled stormwater runoff from previously developed areas.

### **Other Important Review Information**

The following is additional information provided to the Chesapeake Bay Board by Environmental Division staff. This additional information is deemed important relative to the review of this particular exception request.

- This project is important to the overall stormwater masterplan for the Ironbound Square Redevelopment Project. This project has developed to the maximum extent possible with the other proposed stormwater features.

### **Staff Recommendation**

County Environmental Division staff has fully reviewed the application and exception request, including the WQIA, and has determined impacts associated with the proposal to be minimal with the proposed mitigation measures. Staff recommends the Chesapeake Bay Board approve this Chesapeake Bay Exception CBE-10-041 with the proposed mitigation measures as outlined above as conditions. Furthermore, any approval should also be conditioned as follows:

1. The applicant must obtain all other necessary federal, state and local permits as required for the project.
2. This exception request approval shall become null and void if construction has not begun by November 13, 2010.
3. Written requests for an extension to an exception shall be submitted to the Environmental Division no later than 2 weeks prior to the expiration date.

### **Consideration by the Chesapeake Bay Board**

The exception granting body is permitted to require reasonable and appropriate conditions in granting the exception request in accordance with Section 23-14 of the County's Chesapeake Bay Preservation ordinance. The Chesapeake Bay Board is to fully consider Chesapeake Bay Exception CBE-10-041 as outlined and presented above and review the request for exception and the water quality impact assessment. The Board may grant the exception with such conditions and safeguards as deemed necessary to further the purpose and intent of the County's Chapter 23 Chesapeake Bay Preservation Ordinance. Resolutions for granting approval or granting denial of Chesapeake Bay Exception CBE-10-041 are included for the Board's use and decision.

Staff Report prepared by:

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Michael D. Woolson  
Senior Watershed Planner

CONCUR:

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Scott J. Thomas  
Secretary to the Board

Attachments:

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